

An act to prevent COVID-19 evictions and foreclosures and promote an equitable housing recovery
HD. 3030 / SD. 1802

Section-by-section summary

Section 1: Definitions

Section 2: COVID-19 Evictions

- Defines “COVID-19 Eviction” as any case where a landlord is seeking rental arrears from a tenant during the state the emergency
- Requires that before courts accept a COVID-19 eviction case filing, landlords must certify that they:
 - Have exhausted all options to obtain rental assistance but were not eligible, or the amount was not enough to cover all the arrears,
 - Do not have any open orders to correct violations of the Sanitary or Building codes, or have cases open against them for such violations,
 - Have provided notice to the tenant of the COVID-19 defense.
- This information can be built into the existing attestation developed by the Department of Housing and Community Development (DHCD) pursuant to Chp. 257.
- Any defendant in a COVID-19 eviction shall have a complete defense to possession if the nonpayment was a result of COVID-19 and (a) an eviction would likely make the defendant homeless or force them into overcrowded housing, or (b) the household includes a minor child, disabled person, someone age 60 or older, or someone determined by the CDC to be at increased risk of severe illness or death from the COVID-19 virus.
- Courts may not require “interim use and occupancy” without first determining that the defendant is not likely to establish a COVID-19 defense.

Section 3: Amends chp. 257 of the Acts of 2020 to ensure courts to grant the required continuance where there is a pending rental assistance application until the application has been approved or denied, and expands protections to any case where there is a claim for rent owed.

Section 4: Stops eviction for no-fault until the end of the COVID-19 recovery period.

Section 5: Reinstates a moratorium on residential foreclosures for amounts due during the state of emergency.

Section 6: Requires lenders to provide a forbearance of mortgage payments for homeowners on the same terms as federal lenders, including putting missed mortgage, interest, and escrow payments to the end of the loan term, and to provide notice to borrowers of these options.

Section 7: Authorizes the Office of the Attorney General to develop regulations specific to Section 6.

Section 8: Violations of any part of this law will be deemed violations of the consumer protection law, G.L. c. 93A.

Section 9: Requires DHCD, in distributing short-term housing assistance funds, to adopt equitable principles, ensure maximum flexibility in programs allocating the funds, and simplify the process for borrowers and landlords; in particular:

- Prioritizing applicants from communities hardest hit by the coronavirus,
- Prioritizing owner-occupant, elderly, fixed income, non-profit, and smaller landlords (fewer than 15 units) who have lost rental income;
- Prioritizing large landlords who demonstrate that the funds will be used to preserve tenancies and agree to forgive 20% of rental arrears and permit these landlords to apply for bulk payments.
- Eliminating caps on rental assistance payments to allow flexibility in different regions;
- Provide statewide language accessible application processes
- Allow self-certification wherever possible;
- Provide a system for tenants to check on the status of their applications;
- Permit payments to be made directly to the tenant when landlord declines to participate.

Section 10: Severability clause.